

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 94-0288 CSET  
Controlled Substance Excise Tax  
For Tax Periods: 1994**

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**ISSUE**

**1. CONTROLLED SUBSTANCE EXCISE TAX: IMPOSITION**

**Authority:** IC 6-7-3-5

Taxpayer protests the assessment of Controlled Substance Excise Tax.

**STATEMENT OF FACTS**

Taxpayer was arrested for possession of marijuana and cocaine. The Indiana Department of Revenue issued a record of Jeopardy Finding, Jeopardy Assessment Notice and Demand on February 18, 1994 in a base tax amount of \$309.60. Taxpayer filed protest to the assessment. A hearing on the protest was scheduled for 10:00 a.m on February 9, 1999. Taxpayer was notified of the hearing at his last known address. Taxpayer did not appear for the hearing. Further facts will be provided as necessary.

**Controlled Substance Excise Tax-Imposition**

**Discussion**

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession of cocaine and marijuananin the State of Indiana. An investigating agent's statement and the lab report indicate that Taxpayer was in possession of cocaine and marijuana. Taxpayer has the burden of proving that the information in the file and assessment are incorrect. Since Taxpayer did not appear at the hearing

or offer any written information in lieu of a hearing, the Department must rely on the contents of the file in making a decision on the matter. Therefore, the tax properly applies to Taxpayer in this situation.

**FINDING**

Taxpayer's protest is denied.